

SIXTEENTH DAY - JANUARY 26, 2006

LEGISLATIVE JOURNAL

NINETY-NINTH LEGISLATURE SECOND SESSION

SIXTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 26, 2006

PRAAYER

The prayer was offered by Father Paul Rutten, Madonna Rehabilitation Hospital, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senator Aguilar who was excused; and Senators Brown, Flood, and Landis who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifteenth day was approved.

STANDING COMMITTEE REPORT Nebraska Retirement Systems

LEGISLATIVE BILL 1020. Placed on General File as amended.

Standing Committee amendment to LB 1020:

AM1975

- 1 1. On page 7, line 12; page 9, line 20; and page 13, line
- 2 6, after the second comma insert "any existing unfunded liabilities
- 3 shall be reinitialized and amortized over a thirty-year period.".

(Signed) Elaine Stuhr, Chairperson

REPORTS

The following reports were received by the Legislature:

Auditor of Public Accounts

Audit report of the Nebraska Public Employees Retirement Systems -

School Employees, Judges, and State Patrol Retirement Plans

Investment Finance Authority

2002 Series A, B, C, D, E and F Community Development Loan Notes
(City of Lincoln Program-2002)

NOTICE OF COMMITTEE HEARINGS
Transportation and Telecommunications

Room 1113

LB 879	Monday, February 6, 2006	1:30 p.m.
LB 815	Monday, February 6, 2006	1:30 p.m.
LB 837	Monday, February 6, 2006	1:30 p.m.
LB 859	Monday, February 6, 2006	1:30 p.m.
LB 861	Monday, February 6, 2006	1:30 p.m.
LB 1151	Monday, February 6, 2006	1:30 p.m.
LB 1152	Tuesday, February 7, 2006	1:30 p.m.
LB 1215	Tuesday, February 7, 2006	1:30 p.m.
LB 1168	Tuesday, February 7, 2006	1:30 p.m.
LB 1117	Tuesday, February 7, 2006	1:30 p.m.
LB 1172	Tuesday, February 7, 2006	1:30 p.m.
LB 1191	Tuesday, February 7, 2006	1:30 p.m.

(Signed) Tom Baker, Chairperson

GENERAL FILE

LEGISLATIVE BILL 366. Title read. Considered.

The Standing Committee amendment, AM0492, found on page 670, First Session, 2005, was considered.

Senator Stuhr withdrew her pending amendments, AM1958, printed separately and referred to on page 452 and AM1959, found on page 452.

Senator Stuhr renewed her pending amendment, AM1989, printed separately and referred to on page 464, to the Standing Committee amendment.

The Stuhr amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Appropriations
Room 1524

Monday, February 6, 2006 1:30 p.m.
AGENCY 47 - Educational Telecommunications Commission
AGENCY 48 - Coordinating Commission for Postsecondary Education
AGENCY 50 - State College System
AGENCY 83 - Community College System

LB 1121 Monday, February 6, 2006 1:30 p.m.

Tuesday, February 7, 2006 1:30 p.m.
AGENCY 20 - Department of Health and Human Services Regulation and
Licensure
AGENCY 25 - Department of Health and Human Services
AGENCY 26 - Department of Health and Human Services Finance and
Support
AGENCY 70 - State Foster Care Review Board
AGENCY 81 - Commission for the Blind and Visually Impaired

LB 852 Tuesday, February 7, 2006 1:30 p.m.
LB 1145 Tuesday, February 7, 2006 1:30 p.m.
LB 1157 Tuesday, February 7, 2006 1:30 p.m.

(Signed) Don Pederson, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 25, 2006, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Abboud, Chris, Public Affairs Group
Manheims Omaha Auto Auction

Ashburn, Bill
ALLTEL Communications

Blackwell Sanders Peper Martin LLP
American Diabetes Association

Colacurci, Mary C.
Children & Families Foundation, Nebraska

Jenkins, Thomas J.

Blue Cross & Blue Shield of Nebraska

Kaminski, Ronald Lee, Jr.
Laborers Local #1140

Kelley & Lehan, P.C.
Wine Merchants of Nebraska, Inc.

Lightner, Patricia
HSBC GR Corp.

Meradith, Steve
ALLTEL Communications

Pankoke, Mary Jo
Children & Families Foundation, Nebraska

Pappas, James E.
Citizens For Bellevue

Rasmussen, Jessie K.
Children & Families Foundation, Nebraska

Ruth Mueller Robak LLC
Feld Entertainment, Inc.

Thompson, Ben (Affirmative Public Policy Solutions)
Millard Business Association

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 875. Placed on Select File as amended.
(E & R amendment, AM7139, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 32. Placed on Select File as amended.
E & R amendment to LB 32:
AM7140

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 2-3218, Revised Statutes Cumulative
- 4 Supplement, 2004, is amended to read:
- 5 2-3218. Board members shall be ~~compensated-reimbursed~~ for
- 6 their actual and necessary expenses incurred in connection with
- 7 their duties. Each board may provide a per diem payment for
- 8 directors of not to exceed seventy dollars for each day that such
- 9 director attends meetings of the board or is engaged in matters
- 10 concerning the district, but no director shall receive more than

11 ~~two thousand eight~~ three thousand six hundred dollars in any one
12 year. Such per diem payments shall be in addition to and separate
13 from ~~compensation-reimbursement~~ for expenses.

14 Sec. 2. Original section 2-3218, Revised Statutes
15 Cumulative Supplement, 2004, is repealed.

16 2. On page 1, line 2, after "Statutes" insert
17 "Cumulative".

LEGISLATIVE BILL 508. Placed on Select File.

(Signed) Michael Flood, Chairperson

GENERAL FILE

LEGISLATIVE BILL 529. Title read. Considered.

The Standing Committee amendment, AM0215, found on page 648, First Session, 2005, was considered.

Senator Beutler renewed his pending amendment, AM1795, printed separately and referred to on page 291, to the Standing Committee amendment.

Pending.

SELECT COMMITTEE REPORTS **Enrollment and Review**

Correctly Reengrossed

The following bills were correctly reengrossed: LBs 588 and 693.

ER9061

Enrollment and Review Change to LB 588

The following changes, required to be reported for publication in the Journal, have been made:

(Enrollment and Review Change, ER9061, is printed separately and available in the Bill Room, Room 1104.)

(Signed) Michael Flood, Chairperson

STANDING COMMITTEE REPORT **Revenue**

LEGISLATIVE BILL 957. Placed on General File.

(Signed) David Landis, Chairperson

NOTICE OF COMMITTEE HEARING
Agriculture
 Room 2102

LB 1038	Tuesday, February 7, 2006	1:30 p.m.
LB 1053	Tuesday, February 7, 2006	1:30 p.m.
LB 1081	Tuesday, February 7, 2006	1:30 p.m.

Tuesday, February 7, 2006	1:30 p.m.
John Peetz - State Fair Board	
Linda Lovgren - Nebraska State Fair Board	

(Signed) Bob Kremer, Chairperson

AMENDMENT - Print in Journal

Senators Stuhr and Schimek filed the following amendment to LB 72:
 (Amendment, AM1966, is printed separately and available in the Bill Room, Room 1104.)

GENERAL FILE

LEGISLATIVE BILL 529. The Beutler pending amendment, AM1795, printed separately and referred to on page 291 and considered in this day's Journal, was renewed.

SENATOR CUDABACK PRESIDING

Pending.

NOTICE OF COMMITTEE HEARINGS
General Affairs
 Room 1510

LB 1048	Monday, February 6, 2006	1:30 p.m.
LB 1110	Monday, February 6, 2006	1:30 p.m.
LB 1111	Monday, February 6, 2006	1:30 p.m.

Monday, February 6, 2006	1:30 p.m.
Edwin Bergstraesser - State Electrical Board	
Cory Mueller - State Electrical Board	

LB 1039	Monday, February 13, 2006	1:30 p.m.
LR 259CA	Monday, February 13, 2006	1:30 p.m.

(Signed) Ray Janssen, Chairperson

Business and Labor

Room 2102

LB 1218	Monday, February 6, 2006	1:30 p.m.
LB 1091	Monday, February 6, 2006	1:30 p.m.

Monday, February 6, 2006	1:30 p.m.
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William Blake - Commission of Industrial Relations

G. Pete Burger - Commission of Industrial Relations

LB 1125	Monday, February 13, 2006	1:30 p.m.
LB 1126	Monday, February 13, 2006	1:30 p.m.
LB 1158	Monday, February 13, 2006	1:30 p.m.

(Signed) Douglas Cunningham, Chairperson

Banking, Commerce and Insurance

Room 1507

LB 1123	Monday, February 6, 2006	1:30 p.m.
LB 1128	Monday, February 6, 2006	1:30 p.m.
LB 1230	Monday, February 6, 2006	1:30 p.m.

LB 980	Tuesday, February 7, 2006	1:30 p.m.
LB 1122	Tuesday, February 7, 2006	1:30 p.m.
LB 1261	Tuesday, February 7, 2006	1:30 p.m.

LB 1143	Monday, February 13, 2006	1:30 p.m.
LB 1193	Monday, February 13, 2006	1:30 p.m.
LB 1202	Monday, February 13, 2006	1:30 p.m.

LB 1250	Tuesday, February 14, 2006	1:30 p.m.
LB 1259	Tuesday, February 14, 2006	1:30 p.m.

(Signed) Mick Mines, Chairperson

Education

Room 1525

Monday, February 6, 2006 (cancel)	1:30 p.m.
Marilyn Harris - Coordinating Commission for Postsecondary Education	

Tuesday, February 14, 2006 (reschedule)	1:30 p.m.
Marilyn Harris - Coordinating Commission for Postsecondary Education	

(Signed) Ron Raikes, Chairperson

STANDING COMMITTEE REPORTS
Transportation and Telecommunications

LEGISLATIVE BILL 796. Placed on General File.

(Signed) Tom Baker, Chairperson

Urban Affairs

LEGISLATIVE BILL 850. Placed on General File.

LEGISLATIVE BILL 1029. Placed on General File.

LEGISLATIVE BILL 1054. Placed on General File.

LEGISLATIVE BILL 1066. Placed on General File.

(Signed) Mike Friend, Chairperson

Revenue

LEGISLATIVE BILL 896. Placed on General File as amended.
Standing Committee amendment to LB 896:

AM2021

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 77-2701, Revised Statutes Supplement,
- 4 2005, is amended to read:
- 5 77-2701. Sections 77-2701 to 77-27,135.01, 77-27,222, and
- 6 77-27,228 to 77-27,234 and section 2 of this act shall be known and
- 7 may be cited as the Nebraska Revenue Act of 1967.
- 8 Sec. 2. (1) Any producer of electricity generated by
- 9 a new zero-emission facility shall earn a renewable energy tax
- 10 credit. For electricity generated on or after the effective date
- 11 of this act, and before January 1, 2010, the credit shall be
- 12 .075 cent for each kilowatt-hour of electricity generated by a
- 13 new zero-emission facility. For electricity generated on or after
- 14 January 1, 2010, and before January 1, 2013, the credit shall
- 15 be .05 cent per kilowatt-hour for electricity generated by a
- 16 new zero-emission facility. For electricity generated on or after
- 17 January 1, 2013, and before January 1, 2018, the credit shall be
- 18 .025 cent per kilowatt-hour for electricity generated by a new
- 19 zero-emission facility. The credit may be earned for production
- 20 of electricity for ten years after the date that the facility is
- 21 placed in operation on or after the effective date of this act.
- 22 (2) For purposes of this section:
- 23 (a) Electricity generated by a new zero-emission
- 1 facility means electricity that is exclusively produced by a new
- 2 zero-emission facility;
- 3 (b) Eligible renewable resources means wind, moving
- 4 water, solar, geothermal, fuel cell, methane gas, or photovoltaic
- 5 technology; and

(c) New zero-emission facility means an electrical generating facility located in this state that is first placed into service on or after the effective date of this act with a rated production of one megawatt or greater which utilizes eligible renewable resources as its fuel source and for which the operation of the facility results in no pollution or emissions that are or may be harmful to the environment as certified by the Department of Environmental Quality.

(3) The credit allowed under this section may be used to reduce the producer's Nebraska income tax liability or to obtain a refund of state sales and use taxes paid by the producer of electricity generated by a zero-emission facility. A claim to use the credit for refund of the state sales and use taxes paid, either directly or indirectly, by the producer may be filed quarterly for electricity generated during the previous quarter by the twentieth day of the month following the end of the calendar quarter. The credit may be used to obtain a refund of state sales and use taxes paid during the quarter immediately preceding the quarter in which the claim for refund is made, except that the amount refunded under this subsection shall not exceed the amount of the state sales and use taxes paid during the quarter.

(4) The Department of Revenue may adopt and promulgate rules and regulations to permit verification of the validity and timeliness of any renewable energy tax credit claimed.

(5) The Department of Environmental Quality may adopt and promulgate rules and regulations to certify that the operation of a new zero-emission facility results in no pollution or emissions that are or may be harmful to the environment.

(6) The total amount of renewable energy tax credits that may be used by all taxpayers shall be limited to four hundred thousand dollars without further authorization from the Legislature.

Sec. 3. Original section 77-2701, Revised Statutes Supplement, 2005, is repealed.

(Signed) David Landis, Chairperson

ANNOUNCEMENT

The Revenue Committee designates LB 1003 as its priority bill.

GENERAL FILE

LEGISLATIVE BILL 529. The Beutler pending amendment, AM1795, printed separately and referred to on page 291 and considered in this day's Journal, was renewed.

Pending.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 876. Placed on General File as amended.

Standing Committee amendment to LB 876:

AM1997

- 1 1. Insert the following new sections:
- 2 Sec. 2. Section 8-148.04, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 8-148.04. (1) Any bank may make a community development
- 5 investment or investments either directly or through purchasing an
- 6 equity interest in or an evidence of indebtedness of an entity
- 7 primarily engaged in making community development investments, if
- 8 the following conditions are satisfied:
- 9 (a) ~~The investments.~~ An investment under this subsection
- 10 ~~do does~~ not expose the bank to unlimited liability;
- 11 (b) The bank's aggregate investment in any one entity
- 12 under this subsection does not exceed five percent of its capital
- 13 and surplus and its aggregate investments under this subsection
- 14 do not exceed ten percent of its capital and surplus. If the
- 15 bank's investment in any one entity will exceed five percent of its
- 16 capital and surplus, the prior written approval of the department
- 17 must be obtained; and
- 18 (c) All investments made under this subsection are
- 19 accounted for on the bank's books under "Other Assets".
- 20 (2) Nothing in this section shall prevent a bank from
- 21 charging off as a contribution an investment made pursuant to
- 22 subsection (1) of this section.
- 23 (3) Such subscription, investment, possession, or
- 1 ownership shall not be subject to sections 8-148, 8-149, and 8-150.
- 2 (4) For purposes of this section community development
- 3 investments means investments of a predominantly civic, community,
- 4 or public nature and not merely private and entrepreneurial.
- 5 Sec. 13. Section 8-1601, Revised Statutes Cumulative
- 6 Supplement, 2004, is amended to read:
- 7 8-1601. For purposes of sections 8-1601 to 8-1605, unless
- 8 the context otherwise requires:
- 9 (1) Bank has the same meaning as in section 8-909;
- 10 (2) Bank holding company has the same meaning as in
- 11 section 8-909;
- 12 (3) Banker's bank means a bank formed pursuant to section
- 13 8-1602;
- 14 ~~(2)-(4)~~ Department means the Department of Banking and
- 15 Finance;
- 16 ~~(3)-(5)~~ Foreign bank holding company has the same meaning
- 17 as out-of-state bank holding company in section 8-909;
- 18 (6) Foreign banker's bank means a bank which is chartered
- 19 in a foreign state and which is:
- 20 (a) Insured by the Federal Deposit Insurance Corporation;

21 (b) Owned substantially by banks in the state in which
22 the bank was chartered; and

23 (c) Directly and through its subsidiaries engaged
24 exclusively in providing services for other banks and their
25 officers, directors, and employees;

26 ~~(4)-(7)~~ Foreign state means any state of the United
27 States other than the State of Nebraska, any territory of the
1 United States, Puerto Rico, Guam, American Samoa, the Trust
2 Territory of the Pacific Islands, the Virgin Islands, or the
3 District of Columbia; and

4 ~~(5)-(8)~~ Owned substantially means at least eighty percent
5 of the outstanding voting stock is owned.

6 Sec. 14. Section 8-1602, Revised Statutes Cumulative
7 Supplement, 2004, is amended to read:

8 8-1602. A banker's bank may be formed with the approval of
9 the department and subject to requirements and procedures for the
10 issuance of a new bank charter or the transfer of an existing bank
11 charter as provided in the Nebraska Banking Act. A banker's bank
12 shall be a bank which is:

13 (1) Insured by the Federal Deposit Insurance Corporation;

14 (2) Owned substantially by other Nebraska banks, bank
15 holding companies, foreign bank holding companies, or a combination
16 of such entities; and

17 (3) Directly and through all its subsidiaries engaged
18 exclusively in providing services for other banks and their
19 officers, directors, and employees.

20 Sec. 15. Section 8-1605, Revised Statutes Cumulative
21 Supplement, 2004, is amended to read:

22 8-1605. A bank may subscribe to, invest in, buy, or own
23 voting stock of one or more banker's banks, ~~and~~ foreign banker's
24 banks, bank holding companies, or foreign bank holding companies
25 of such banker's bank or foreign banker's bank in an amount not
26 to exceed five percent of any class of voting stock of each such
27 banker's bank, ~~or~~ foreign banker's bank, bank holding company,
1 or foreign bank holding company of such banker's bank or foreign
2 banker's bank. In no event shall such bank's holdings of the stock
3 of a banker's bank, ~~and a~~ foreign banker's bank, bank holding
4 company, or foreign bank holding company of such banker's bank or
5 foreign banker's bank exceed ten percent of the capital stock and
6 paid-in and unimpaired surplus of the bank holding such stock.

7 Sec. 27. Section 9-705, Uniform Commercial Code, Reissue
8 Revised Statutes of Nebraska, is amended to read:

9 9-705. Effectiveness of action taken before July 1, 2001.

10 (a) If action, other than the filing of a financing
11 statement, is taken before July 1, 2001, and the action would have
12 resulted in priority of a security interest over the rights of
13 a person that becomes a lien creditor had the security interest
14 become enforceable before July 1, 2001, the action is effective to
15 perfect a security interest that attaches under this article within

16 one year after July 1, 2001. An attached security interest becomes
17 unperfected one year after July 1, 2001, unless the security
18 interest becomes a perfected security interest under this article
19 before the expiration of that period.

20 (b) The filing of a financing statement before July 1,
21 2001, is effective to perfect a security interest to the extent
22 the filing would satisfy the applicable requirements for perfection
23 under this article.

24 (c) This article does not render ineffective an effective
25 financing statement that, before July 1, 2001, is filed and
26 satisfies the applicable requirements for perfection under the law
27 of the jurisdiction governing perfection as provided in section
1 9-103, as such section existed immediately before July 1, 2001.
2 However, except as otherwise provided in subsections (d), ~~and (e)~~,
3 and (f) and section 9-706, the financing statement ceases to be
4 effective at the earlier of:

5 (1) the time the financing statement would have ceased
6 to be effective under the law of the jurisdiction in which it is
7 filed; or

8 (2) June 30, 2006.

9 (d) The filing of a continuation statement on or after
10 July 1, 2001, does not continue the effectiveness of the financing
11 statement filed before July 1, 2001. However, upon the timely
12 filing of a continuation statement on or after July 1, 2001, and
13 in accordance with the law of the jurisdiction governing perfection
14 as provided in part 3, the effectiveness of a financing statement
15 filed in the same office in that jurisdiction before July 1, 2001,
16 continues for the period provided by the law of that jurisdiction.

17 (e) Subdivision (c)(2) applies to a financing statement
18 that, before July 1, 2001, is filed against a transmitting utility
19 and satisfies the applicable requirements for perfection under
20 the law of the jurisdiction governing perfection as provided in
21 section 9-103, as such section existed immediately before July 1,
22 2001, only to the extent that part 3 provides that the law of
23 a jurisdiction other than the jurisdiction in which the financing
24 statement is filed governs perfection of a security interest in
25 collateral covered by the financing statement.

26 (f) Subdivision (c)(2) does not apply to a financing
27 statement that was filed in the proper place in the state before
1 July 1, 2001, pursuant to section 9-401, as such section existed
2 immediately before July 1, 2001, and for which the proper place of
3 filing in the state was not changed pursuant to section 9-501, as
4 such section existed on July 1, 2001.

5 ~~(f)(g)~~ (g) A financing statement that includes a financing
6 statement filed before July 1, 2001, and a continuation statement
7 filed on or after July 1, 2001, is effective only to the extent
8 that it satisfies the requirements of part 5 for an initial
9 financing statement.

10 Sec. 28. Section 9-707, Uniform Commercial Code, Reissue

11 Revised Statutes of Nebraska, is amended to read:

12 9-707. Amendment of pre-operative-date financing
13 statement.

14 (a) In this section, "pre-operative-date financing
15 statement" means a financing statement filed before July 1, 2001.

16 (b) On or after July 1, 2001, a person may add
17 or delete collateral covered by, continue or terminate the
18 effectiveness of, or otherwise amend the information provided in, a
19 pre-operative-date financing statement only in accordance with the
20 law of the jurisdiction governing perfection as provided in part
21 3. However, the effectiveness of a pre-operative-date financing
22 statement also may be terminated in accordance with the law of the
23 jurisdiction in which the financing statement is filed.

24 (c) Except as otherwise provided in subsection (d), if
25 the law of this state governs perfection of a security interest,
26 the information in a pre-operative-date financing statement may be
27 amended on or after July 1, 2001, only if:

1 (1) the pre-operative-date financing statement and an
2 amendment are filed in the office specified in section 9-501;

3 (2) an amendment is filed in the office specified in
4 section 9-501 concurrently with, or after the filing in that office
5 of, an initial financing statement that satisfies section 9-706(c);
6 or

7 (3) an initial financing statement that provides the
8 information as amended and satisfies section 9-706(c) is filed in
9 the office specified in section 9-501.

10 (d) If the law of this state governs perfection of
11 a security interest, the effectiveness of a pre-operative-date
12 financing statement may be continued only under section 9-705(d)
13 and ~~(f)-(g)~~ or 9-706.

14 (e) Whether or not the law of this state governs
15 perfection of a security interest, the effectiveness of a
16 pre-operative-date financing statement filed in this state may
17 be terminated on or after July 1, 2001, by filing a termination
18 statement in the office in which the pre-operative-date financing
19 statement is filed, unless an initial financing statement that
20 satisfies section 9-706(c) has been filed in the office specified
21 by the law of the jurisdiction governing perfection as provided in
22 part 3 as the office in which to file a financing statement.

23 2. On page 12, lines 14 and 15, strike "10 and 11" and
24 insert "11 and 12".

25 3. On page 18, line 15, strike "21" and insert "25".

26 4. On page 37, strike beginning with "2" in line 18
27 through "25" in line 19 and insert "7, 8, 9, 10, 11, 12, 13, 14,
1 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 31"; in line
2 23 after "Original" insert "sections 8-148.04 and 8-179, Reissue
3 Revised Statutes of Nebraska, section 8-178, Revised Statutes
4 Cumulative Supplement, 2004,"; and in line 24 after the last comma
5 insert "and sections 9-705 and 9-707, Uniform Commercial Code,

6 Reissue Revised Statutes of Nebraska,".

7 5. On page 38, line 2, strike "and"; and in line 3 after

8 "8-1012," insert "8-1601, 8-1602, and 8-1605,".

9 6. Renumber the remaining sections accordingly.

(Signed) Mick Mines, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 286. Introduced by D. Pederson, 42.

WHEREAS, Ella Ochoa co-founded the Nebraska Association of Farmworkers and became the Executive Director on October 1, 1979; and

WHEREAS, Mrs. Ochoa started her career in the fields before going to work for the Nebraska Department of Labor Migrant Program as an outreach worker in North Platte, Nebraska; and

WHEREAS, in 1985, the Nebraska Association of Farmworkers became the NAF Multicultural Human Development Corporation with a mission to advocate for and aid in the physical, educational, financial, and social well-being of migrant and seasonal farmworkers, minorities, and other disadvantaged persons in the State of Nebraska through the delivery of community-based programming; and

WHEREAS, Mrs. Ochoa has served on the National Council of La Raza, the Nebraska Mexican-American Commission, and the National Advisory Council of Migrant Health; and

WHEREAS, Mrs. Ochoa received the OTHLI recognition from the Mexican government. OTHLI means enlightened path or journey in the Nahault language; and

WHEREAS, Mrs. Ochoa was a member of the delegation representing President Clinton at the inauguration of President Banzar of Bolivia; and

WHEREAS, Mrs. Ochoa was named Nebraska Woman of the Year by the Nebraska Commission on the Status of Women; and

WHEREAS, Mrs. Ochoa was presented the Cesar Estrada Chavez award by the American Association on Affirmative Action in April of 2005; and

WHEREAS, Mrs. Ochoa is married and has four sons, four grandsons, and one granddaughter.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Ella Ochoa on her outstanding service to farmworkers not only in Nebraska but across the United States.

2. That the Clerk of the Legislature send a copy of this resolution to Mrs. Ochoa.

Laid over.

AMENDMENTS - Print in Journal

Senator Flood filed the following amendment to LB 529:
AM2019

1 1. Strike the original sections and all amendments
2 thereto and insert the following sections:

3 Section 1. (1) An elected clerk of the district court,
4 anyone holding a consolidated office that includes clerk of the
5 district court, and a county clerk who acts as ex officio clerk of
6 the district court shall meet the requirements of this section.

7 (2) Beginning January 1, 2008, a candidate for election
8 as clerk of the district court shall submit with the candidate
9 filing form required by section 32-607 a standardized letter issued
10 by the State Court Administrator certifying that the candidate
11 has successfully completed a certification course meeting the
12 requirements established under this section within two years before
13 the candidate filing form is due or has received such certification
14 prior to such period and has complied with the continuing education
15 requirements of this section.

16 (3) Each clerk of the district court holding office on
17 the effective date of this act shall attend a certification course
18 meeting the requirements established under this section and receive
19 a certificate attesting to satisfactory completion of the course
20 within two years after the effective date of this act.

21 (4) Each clerk of the district court shall attend twenty
22 hours of continuing education courses meeting the requirements
23 established under this section every two years following the second
1 year of his or her term of office.

2 (5) Unless a clerk of the district court is able to show
3 good cause for not complying with subsection (3) or (4) of this
4 section, any clerk of the district court who violates subsection
5 (3) or (4) of this section shall be subject to a fine equal to such
6 clerk's monthly salary. Each month in which such violation occurs
7 shall constitute a separate offense.

8 (6) The Supreme Court shall by rule establish standards
9 of conduct for the clerk of the district court and establish
10 certification course and continuing education course requirements
11 and shall certify courses that meet such requirements. Such
12 continuing education shall be offered through seminars, advanced
13 education which may include college or university classes, or
14 conferences and shall be of a type which has application to
15 and seeks to maintain and improve the skills of the clerks
16 of the district court in carrying out the responsibilities of
17 their office. The State Court Administrator shall keep records
18 of certification and continuing education and shall notify the
19 appropriate county attorney if the clerk of the district court is
20 in violation of this section.

21 (7) The Supreme Court may, after notice and hearing,
22 revoke the certification of a clerk of the district court for a
23 violation of this section or the rules promulgated pursuant to this
24 section.

25 Sec. 2. Section 32-524, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 32-524. (1) Except as provided in section 22-417:

1 (a) In counties having a population of seven thousand
2 inhabitants or more, there shall be elected one clerk of the
3 district court at the statewide general election in 1962 and every
4 four years thereafter; and

5 (b) In counties having a population of less than seven
6 thousand inhabitants, there shall be elected a clerk of the
7 district court at the first statewide general election following a
8 determination by the county board and the district judge for the
9 county that such officer should be elected and each four years
10 thereafter. When such a determination is not made in such a county,
11 the county clerk shall be ex officio clerk of the district court
12 and perform the duties by law devolving upon that officer.

13 (2) In any county upon presentation of a petition to the
14 county board (a) not less than sixty days before the statewide
15 general election in 1976 or every four years thereafter, (b) signed
16 by registered voters of the county equal in numbers to at least
17 fifteen percent of the total vote cast for Governor at the most
18 recent gubernatorial election in the county, secured in not less
19 than two-fifths of the townships or precincts of the county, and
20 (c) asking that the question of not electing a clerk of the
21 district court in the county be submitted to the registered voters
22 therein, the county board, at the next statewide general election,
23 shall order the submission of the question to the registered voters
24 of the county. The form of submission upon the ballot shall be as
25 follows:

26 For election of a clerk of the district court;

27 Against election of a clerk of the district court.

1 (3) If a majority of the votes cast on the question are
2 against the election of a clerk of the district court in such
3 county, the duties of the clerk of the district court shall be
4 performed by the county clerk and the office of clerk of the
5 district court shall either cease with the expiration of the term
6 of the incumbent or continue to be abolished if no such office
7 exists at such time.

8 (4) If a majority of the votes cast on the question
9 are in favor of the election of a clerk of the district court,
10 the office shall continue or a clerk of the district court shall
11 be elected at the next statewide general election as provided in
12 subsection (1) of this section.

13 (5) The term of the clerk of the district court shall be
14 four years or until his or her successor is elected and qualified.
15 The clerk of the district court shall meet the qualifications found
16 in section 1 of this act. The clerk of the district court shall be
17 elected on the partisan ballot.

18 Sec. 3. Original section 32-524, Reissue Revised Statutes
19 of Nebraska, is repealed.

Senator Chambers filed the following amendments to LB 87:

FA372

P. 2, line 7, strike "equally" and show as stricken, and after "participate" insert "equally".

FA373

P. 5, line 24, strike "taken".

FA374

P. 6, line 4, strike "claim of" and insert "complaints regarding".

FA375

P. 6, line 5, strike "provision" and insert "providing".

VISITORS

Visitors to the Chamber were Ron Kaplan and Marlene Hansen from Omaha; John Wightman from Lexington; and Jeane Bentz and Kate Nickel from Kearney.

The Doctor of the Day was Dr. Brad Hupp from Albion.

ADJOURNMENT

At 11:57 a.m., on a motion by Senator Schimek, the Legislature adjourned until 10:00 a.m., Monday, January 30, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

